

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LLOYD SCHINDLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:05-CV-1066 CAS
	)	
CEQUENT CONSUMER PRODUCTS, INC.,	)	
et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for leave to file a first amended complaint and modify the scheduling plan/case management order. For the following reasons the Court will grant plaintiff's motion.

**Motion for Leave to File Amended Complaint**

Although leave to amend is to be freely granted under Federal Rule of Civil Procedure 15(a), the Court has discretion whether or not to grant leave to amend. Zenith Radio Corp. v. Hazeltine Research, Inc., 401 U.S. 321, 330-32 (1971). Factors to consider in determining whether leave to amend should be granted include but are not limited to (1) whether the motion was filed in bad faith or with dilatory motive; (2) whether the motion was filed with undue delay; (3) whether leave to amend would be unduly prejudicial to the opposing parties; and (4) whether the proposed amendment would be futile. See Bell v. Allstate Life Ins. Co., 160 F.3d 452, 454 (8th Cir. 1998) (citing Foman v. Davis, 371 U.S. 178, 182 (1962)). For the reasons stated in the motion, the Court will grant plaintiff's motion for leave to file a first amended complaint.

## **Motion to Modify the Scheduling Plan/Case Management Order**

Plaintiff requests that the Court extend the current deadlines in the Case Management Order of October 12, 2005, so that counsel for the newly named defendant Kwong Wah Rubber Factory, Ltd. can enter its appearance after being served with process. Plaintiff anticipates that service upon Kwong Wah could take twelve to sixteen weeks. The Court will grant plaintiff's motion and stay the dates contained in the Case Management Order of October 12, 2005. Plaintiff is expected to promptly pursue service of Kwong Wah.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to file a first amended complaint is **GRANTED**. [Doc. 20]

**IT IS FURTHER ORDERED** that plaintiff shall file his first amended complaint with the appropriate electronic signatures.

**IT IS FURTHER ORDERED** that plaintiff's motion to modify the scheduling plan/case management order is **GRANTED**. [Doc. 20]

**IT IS FURTHER ORDERED** that the dates in the Case Management Order of October 12, 2005 are **stayed** pending service on defendant Kwong Wah Rubber Factory, Ltd.



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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 19th day of January, 2006.